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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,720	05/01/2001	Mark Kruger	PALM-3629.US.P	7066
49637 7590 04/07/2008 BERRY & ASSOCIATES P.C. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069				
EXAMINER				
MAUNG, ZARNI				
ART UNIT		PAPER NUMBER		
2151				
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04/07/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

09/847,720

## Applicant(s)

KRUGER ET AL.

## Examiner

ZARNI MAUNG

## Art Unit

2151

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

This action is responsive to the RCE, amendment and remarks filed on March 20, 2008.

Claims 1-27 are presented for further examination.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wild et al., U.S. Patent Number 5,862,480 (hereinafter Wild).

Regarding claim 1, Wild teaches a method of establishing one of a plurality of network links on a computer system, comprising the steps of: a. Associating one or more alternative network link designations with one or more of said network links based upon a priority assigned by the user of said computer system (Wild, fig.12, steps 1202-1204, fig. 17,col. 9, line 36 to col. 10, line 65, the network access query indicates a specific network; the list of network is returned in the indicated priority; the prioritization depends on preference information from the subscriber unit 104 which inherently is assigned by the user of the device; see col. 10, lines 43-55, e.g., prioritize based on lowest service rate);

b. Requesting first network link of said plurality of network links (Wild, col.15, I.21-25, fig. 12, step 1204);

c. Attempting to initiate said first network link (see fig. 12, step 1206, determining whether request is for a specific network request);

d. Determining whether a particular alternative network link designation is associated with said first network link (see fig. 12; at step 1216, after step 1214 determines that access is not permitted to the specific network, determining an alternate network paths); and

e. If said step c) fails to establish said first network link and if said particular alternative network link designation is associated with said first network link, attempting to initiate, by said computer system, a particular network link of said plurality of network links based one said particular alternative network link designation (fig. 12, steps 1208, 1212, 1214 determine a particular network, and when that fails at step 1214, the method continues to step 1216, 1222 to find alternate network connections). Wild does not explicitly show that the priority order is assigned and stored on the computer, since the list of network is returned in the indicated priority form the server and the list is stored on the user's device (see col. 10, lines 43-55, e.g., prioritize based on lowest service rate). However, it would have been an obvious modification to one of ordinary skill in the art at the time the invention was made to store the priority order in the user's device in view of Wild because Wild teaches that the indicated priority form the server and the list is stored on the user's device. It would have been an obvious modification for one skilled in the art since, it is old and well known in the art to relocate a storage of a file between a server and a client. One skilled in the art would have been motivated to modify and use the Wild reference because Wild discloses that process of finding an alternative paths in a efficient manner (see fig. 12, steps 1208, 1212, 1214 determine a particular

network, and when that fails at step 1214, the method continues to step 1216, 1222 to find alternate network connections)

Regarding claim 2, Wild further discloses a method as recited in claim 1 further comprising the steps of: f. Determining whether a second alternative network link designation is associated with said particular network link (figure 12, steps 1216,1220,1222, col. 15, l.32-34); and g If said step e) fails to establish said particular network link and if said second alternative network link designation is associated with said particular network link, initiating a second network link of said plurality of network links based on said second alternative network link designation (Wild, co1.15, 1.34-36; fig. 12, steps 1208, 1212, 1214 determine a particular network, and when that fails at step 1214, the method continues to step 1216, 1222 to find alternate network connections).

Regarding claim 4, Wild further discloses a method as recited in claim 1 further comprising the steps of: h. If said step e) fails to establish said particular network link, initiating a second network link of said plurality of network links based on said alternative network link designation (fig. 12, steps 1222,1226,1228, co1.15, 1.34-36).

Regarding claim 5, Wild further discloses a method as recited in claim 1 further comprising the steps of: Indicating to a user whether said first network link was established (Wild, co1.15, 1.16-18; step 1214);

and enabling said user to discontinue establishment of said particular network link (Wild, co1.15, 1.18-20; step 1214).

Regarding claim 7, Wild further discloses a method as recited in claim 1 wherein said computer system comprises a personal digital assistant (Wild, fig. 1, element 104, a subscriber unit).

Regarding claims 8-9, 11-12, 14, they are directed to computer-readable medium with limitations corresponding to claims 1-2, 4-5, 7. Therefore, claims 8-9, 11-12, 14 are rejected for the same reason set forth in the rejection of claims 1-2, 4-5, 7.

Regarding claims 15-16, 18-19, 21, these claims are directed to computer system with a data bus, a processor couples to said data bus, and a memory device with limitations corresponding to claims 1-2, 4-5, 7. Therefore, claims 15-16, 18-19, 21 are rejected for the same reason set forth in the rejection of claims 1-2, 4-5, 7.

Regarding claims 22-23, 25, and 27 have limitations corresponding to as claims 1, 3, 5, and 7. Therefore, claims 22-23, 25, and 27 are rejected for the same reason set forth in the rejection of claims 1, 3, 5, and 7.

Regarding claim 3, Wild teaches the invention except for teaching claim 3. However, Horn discloses a method as recited in claim 1 further comprising the steps of: If said step e) fails to establish said particular network link, attempting to initiate, by said computer system said first network-link (Horn, col.7, l. 18-22). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to

modify Wild's functions with multiple network connections associated with client connection manager features as per Horn's teaching. One skilled in the art would have been motivated to modify Wild in view of Horn to obtain multiple network connections and to improve the connection control of the subscriber units disclosed by Wild.

Regarding claim 6 Horn further discloses a method as recited in claim: 1 wherein said step b) includes: sending a network open request to a shared library of said computer system (Horn, col.15, l.5-14, in which the interface module, Winsock.DLL is the dynamic link module perform the link to the share library, i.e. function call, that is well known in the art).

Regarding claims 10, 17, 24, these claims do not teach or further define over the limitations recited in claim 3. Therefore, claims 10, 17, 24 are rejected for the same reason set forth in the rejection of claim 3.

Regarding claims 13, 20, 26, they do not teach or further define over the limitations recited in claim 6. Therefore, claims 13, 20, 26 are rejected for the same reason set forth in the rejection of claim 6.

Applicants' arguments filed on March 20, 2008, the applicants argued in substance that there is no teaching or suggestion in Wild that access designation are prioritized based upon a priority assigned by the user of the device of the subscriber unit, and that the priority order is stored on the computer.

In reply, Wild teaches that aspect of the invention in figure 12 and the steps 1206-1222 shown in the figure. Specifically, steps 1202-1204, col. 9, line 36 to col. 10, line 65, Wild discloses that the network access query indicates a specific network to which the subscriber unit 104 requests an access. Wild further teaches that the list of network is returned to the SU in the indicated priority. Wild teaches that the prioritization depends on preference information from the subscriber unit 104 which inherently is assigned by the user of the device; see col. 10, lines 43-55, e.g., prioritize based on lowest service rate). The figure 12 and steps 1208, 1212, 1214 show that process of determining a particular network, and when that fails at step 1214, the method continues to step 1216, 1222 to find alternate network connections. Therefore, Wild teaches the limitations as recited in the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zarni Maung whose telephone number is (571) 272-3939. The Examiner can normally be reached on Monday-Friday from 8:30 to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, John Follansbee can be reached at (571) 272-3964. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished



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application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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/Zarni Maung/  
Primary Examiner, Art Unit 2151